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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,927	03/17/2000	Woodson C. Lewis	DN 3564	3926
1688	7590	08/05/2004	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERS COURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			KALINOWSKI, ALEXANDER G	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,927

Applicant(s)

LEWIS, WOODSON C.

Examiner

Alexander Kalinowski

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[Signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-25 are presented for examination. Applicant filed a request for continued examination on 12/12/2003 along with a preliminary amendment amending claims 1 and 9. Applicant further filed an amendment on 4/8/2004 amending claims 1, 3, 9, 10, 11, 18, and 21. In light of Applicant's amendment, the Examiner withdraws the grounds of rejection of claims 1-25 based on 35 USC 103. However, new grounds of rejection are established in the instant action as set forth in detail below. Since the new grounds of rejection were necessitated by Applicant's amendment, the rejection of claims 1-25 is a final rejection of the claims.

Response to Arguments

2. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are directed to newly added limitations that were not present in the previously pending claims. Furthermore, a new search for prior art was conducted by the Examiner and new prior art was applied to the newly added limitations as disclosed in detail in the next section below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 6, 21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al., WO 98/35311 (hereinafter DeLorme) in view of Simjian, Pat. No. 3,890,599 .

As to claim Claims 1, 2, 3, 5, and 6, DeLorme discloses an electronic ticketing and validation system whereby online ticket buyers download and print their own ticket(i.e. digital computer ... constructed for printing a hard-copy map/ticket)(page 15, lines 10-18 and page 18, lines 12-15). The ticket buyers access the Internet and buy tickets on-line (see page 21, lines 23-30). After downloading the ticket, buyers print the tickets from their computers (see page 13, lines 19-28). To redeem the ticket at the event, a bar code scanner is used at the gate to read a portion of the ticket (e.g. bar code, unique numerical code) and validate the ticket prior to allowing the buyer admission to the event (see page 13, lines 19-28). Furthermore, a user can access the system using a hand held computer device (i.e. PDA)(page 23, lines 25-30).

Delorme does not explicitly disclose

the validation system being connected to the computer system for transmitting information about the ticket to the computer system , the computer system for verifying that the ticket is valid and for sending a signal back to the validation system to permit entry to the event.

However, Simjian discloses a system and method for generating, storing, and validating tickets (see abstract). Simjian also discloses the validation system being

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connected to the computer system for transmitting information about the ticket to the computer system, the computer system for verifying that the ticket is valid and for sending a signal back to the validation system to permit entry to the event (col. Col. 3, line 57 – col. 4, line 39). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Simjian within DeLorme for the motivation of reducing fraudulent operations (col. 1, lines 11-20).

As to claim 21, DeLorme discloses an electronic ticketing and validation system whereby online ticket buyers download their own electronic ticket (i.e. digital computer ... ticket)(page 15, lines 10-18 and page 18, lines 12-15). The ticket buyers access the Internet and buy tickets on-line (see page 21, lines 23-30). Ticket buyers access the system using a wireless device (i.e. PDA)(page 23, lines 25-30).

DeLorme does not explicitly disclose a validation system for receiving the ticket signal in order to gain entrance to the event, the validation system being connected to the computer system and for transmitting the ticket signal to the computer system with the computer system being capable of validating the ticket signal to determine if entrance to the event should be allowed and for sending a signal back to the validation system to permit entry to the event.

However, Simjian discloses a system and method for generating, storing, and validating tickets (see abstract). Simjian also discloses the validation system being connected to the computer system for transmitting information about the ticket to the computer system, the computer system for verifying that the ticket is valid and for

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sending a signal back to the validation system to permit entry to the event (col. Col. 3, line 57 – col. 4, line 39). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Simjian within DeLorme for the motivation of reducing fraudulent operations (col. 1, lines 11-20).

As to claim 24, DeLorme and Simjian do not explicitly disclose that the ticket signal transmitted by the wireless device is an infrared signal.

However, the Examiner takes official notice that it was well known in the electronic arts to transmit information via infrared signals. The motivation for using infrared signals is to use well known communications means found in off the shelf hardware (e.g. PDA) in order to reduce the overall cost of the system. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the ticket signal transmitted by the wireless device is an infrared signal within DeLorme and Simjian for the motivation stated above.

As to claim 25, DeLorme does not explicitly disclose that the ticket signal transmitted by the wireless device is an audio signal. However, DeLorme discloses that the wireless device is a PDA. PDA's can communicate information via audio signals (see Microsoft Press Computer Dictionary, Second edition, page 296). Therefore, since DeLorme discloses transmitting a ticket signal from the wireless device to the validating device where the wireless device is a PDA, and since PDA's can transmit audio signals, it would have been obvious to one of ordinary skill in the art to include the ticket signal

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transmitted by the wireless device is an audio signal within DeLorme and Simjian for the motivation of providing a well known communication means that are used by PDA's.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme and Simjian as described above with regard to claim 1 and further in view of the attached web page timeline distributed by the Uniform Code Council, Inc. depicting ID Numbers and Bar Codes over the years (hereinafter referred to as "UCC Timeline"). With regard to claim 4, DeLorme and Simjian disclose the use of a computer with which to access, pay, and generate the ticket (see rejection of claim 1 above).

DeLorme and Simjian do not explicitly disclose the use of a universal product code as the unique identifier with which to validate the ticket. However, the UCC Timeline shows that Universal Product Code has been the industry standard to identify and validate products since 1973. It is further well known in the art of product identification and validation that Universal Product Codes (UPC) are used to validate a wide array of items from supermarket stock to printed matter to Patent Application file wrappers at the United States Patent and Trademark Office. One skilled in the art would have been motivated to use the UPC since it is the most widely known and employed standard for data capture and automated identification (see page 1, paragraph 1) and the widest array of printing and reading equipment is available to recognize these codes (see page 3, January 1997 heading). Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made,

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to incorporate a UPC as the unique identifier code in the DeLorme and Simjian system for the motivation stated above.

6. Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme and Simjian as described above with regard to claim 1 and further in view of the attached web page timeline distributed by the Washington Metropolitan Area Transit Authority depicting use of farecards and other highlights in their twenty-five year history (hereinafter referred to as "Metro").

As to claims 7 and 8, DeLorme and Simjian teach the use of a computer with which to access, pay, and generate the ticket (see claim 1 above).

DeLorme and Simjian do not explicitly disclose the use of a paper ticket with a magnetic strip having a code encoded thereon.

However, Metro discloses the use of paper tickets with similar strips containing coded information encoded thereon. An example of these types of tickets is found in the Washington Metropolitan Area Transit Authority (Metro) system. The farecard system used in the Metro utilizes a paper card with fare information stored on a magnetic strip (see page 1, farecard bullet). These farecards have been used by Metro since 1977 (see Metro Timeline, July 1, 1977). One skilled in the art would be motivated to use the paper tickets with a magnetic strip encoded to ensure proper entry and to prevent multiple use of the ticket. The magnetic media is viable alternative to the UPC or barcode systems. Further motivation would be to employ the use of automatic turnstile systems that can read the magnetic strip and allow entry/egress without physical human

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intervention. This would expedite the entry/egress process. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to incorporate a paper ticket with a magnetic strip having a coded encoded therein as a means of admission in the DeLorme and Simjian system for the motivation stated above.

7. Claims 9 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme and Simjian as described above with regard to claim 1 and further in view of the attached web page timeline of press releases distributed by the TeamCard depicting use of smart cards for season tickets to sporting events (hereinafter referred to as "TeamCard").

As to claims 9 and 17, DeLorme and Simjian teach the use of a computer with which to access, pay, and generate the ticket (see claim 1 above).

DeLorme and Simjian do not explicitly disclose the use of a season pass to gain entrance to particular events.

However, TeamCard teaches the use of smart card technology to replace the traditional season ticket booklet. The card itself becomes the season ticket (see page 1, season ticket replacement heading). The TeamCard was introduced in October 1997 (see TeamCard timeline) and has space on the card for co-branding, event, and sponsorship information (see page 2, season ticket replacement heading). One skilled in the art would be motivated to use the smart card season tickets as a substitute for paper tickets to reduce ticketing costs, ensure security, and expedite entry and egress

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into the event forum. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to incorporate a smart card season ticket as described by TeamCard in the DeLorme and Simjian system for the motivation stated above.

Claim 10 is substantially similar to claim 3 with a season pass replacing the individual event ticket and is rejected for similar reasons.

Claim 11 is substantially similar to claims 3 and 6 with a season pass replacing the individual event ticket is rejected for similar reasons.

Claim 12 is substantially similar to claim 7 with a season pass replacing the individual event ticket and is rejected for similar reasons.

Claim 13 is substantially similar to claim 8 with a season pass replacing the individual event ticket and is rejected for similar reasons.

Claim 14 is substantially similar to claims 3 and 10 and is rejected for similar reasons.

Claim 15 is substantially similar to claims 8 and 13 and is rejected for similar reasons.

Claim 16 is substantially similar to claims 8, 13, and 15 and is rejected for similar reasons.

Claims 18 and 19 are substantially similar to claim 1 in method form and are rejected for similar reasons.

Claim 20 is substantially similar to claim 9 in method form and is rejected for similar reasons.

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8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme and Simjian as applied to claim 21 above, and further in view of Sehr, Pat. No. 6,386,451.

As to claim 22, DeLorme discloses a screen on the wireless device that can display the ticket signal (Fig 5D and page 29, lines 7-17).

DeLorme and Simjian do not explicitly disclose a screen on the wireless computer device displaying the ticket signal to the validation system.

However, Sehr discloses a screen on the wireless computer device displaying the ticket signal to the validation system (col. 6, lines 22-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a screen on the wireless computer device displaying the ticket signal to the validation system as disclosed by Sehr within the DeLorme and Simjian combination for the motivation of improving productivity and reducing administrative costs associated with reservations/ticketing as compared to paper based systems (col. 2, lines 9-15).

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme and Simjian, and Sehr as applied to claim 22 above, and further in view of UCC Timeline.

As to claim 23, the claim is substantially similar to claim 4 and is rejected for the same reasons.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

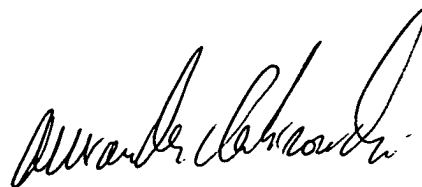
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax

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telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski". The signature is fluid and cursive, with a large, stylized initial 'A'.

Alexander Kalinowski

Primary Examiner

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8/3/2004